THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.11952 of2006

DATED: 16.6.2006

Between:

G.Venkata Swamy and another. … PETITIONERS

Versus

The District Collector, Panchayat Wing,

Nellore District, Nellore and two others. … RESPONDENTS

WRIT PETITION NO.11952 of2006

ORDER:

Heard the counsel on record.

2. The Writ Petition is filed praying for a Writ of Mandamus declaring the action of the respondents in not widening the Panchayat road on both sides and further action of the respondents in widening the road on one side and trying to demolish the petitioners' house bearing Nos.1-24 and 1-24/1 of Kalavapudi village, Venkatagiri Mandal, Nellore District, without following law as highly illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents not to demolish the house property belongs to

the petitioners and pass such other suitable orders.

3. It is stated that the petitioners have been residing in the houses in question for the last 35 years. It is also further stated that on 13.6.2006 the respondents had marked the houses for demolition on one side of the road for widening of the road without following the due process of law. It is also stated that the authorities are trying to demolish the houses situated on one side of the road and they are not touching the houses situated on the other side since the Sarpanch is stated to be residing on the other side.

4. The other factual details need not be gone into at this stage. When the 3rd respondent is inclined to proceed further with the demolition activity, it is needless to state that the procedure to be followed. Hence the Writ Petition is disposed of with the following direction:

> "Respondents not to carry on with the demolition activity in relation to the subject matter of the Writ Petition unless and until they follow the due process of law"

There shall be no order as to costs.

16.06.2006

SSR